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Document Review Section  
517-334-6302

Annual Report Section  
517-334-6300

MEETING MINUTES AS REQUIRED  
BY SECTION 9 OF ACT NO. 267 OF  
THE PUBLIC ACT OF 1976

Minutes Prepared by Robin  
Wojcik for State Boundary  
Commission

Docket # 95-AP-7 / Genesee County  
Fenton Charter Township / City of Linden

### MEETING INFORMATION

WHERE: Lansing, 717 West Allegan  
DATE: November 6, 1996  
TYPE: Adjudicative - Findings of Fact

### COMMISSIONERS PRESENT:

Kenneth VerBurg  
Lloyd Walker  
David Rutledge  
Carl Ammerman

### COMMISSIONERS ABSENT:

**MOTION:** To adopt the draft findings of fact and recommend that the Director of the Department of Consumer and Industry Services sign the order.

**MOVED BY:**  
Walker

**SUPPORTED BY:**  
Ammerman

**VOTE:**  
AYES All

**STATE OF MICHIGAN**  
**DEPARTMENT OF CONSUMER & INDUSTRY SERVICES**  
**BEFORE THE STATE BOUNDARY COMMISSION**

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**In the matter of:**

**Boundary Commission**  
**Docket # 95-AP-7**

**The proposed annexation of  
territory in Fenton Charter Township  
to the City of Linden.**

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**SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER**

This matter of the proposed annexation of the following territory in Fenton Charter Township to the City of Linden is described as follows:

Commencing at the West 1/4 Corner of Section 17, Town 5 North, Range 6 East, Fenton Township, Genesee County, Michigan; thence S 89°20'39" E 38.80 feet along the East-West 1/4 line of said section as monumented to the POINT OF BEGINNING; thence continuing S 89°20'39"E 1307.00 feet along said 1/4 line; thence S 00°08'35" E 500.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said section as monumented and the centerline of Linden Road; thence N 89°20'39" W 1307.00 feet; thence N 00°08'35" W 500.00 feet to the POINT OF BEGINNING, containing 15.00 acres of land, more or less.

This matter having come before State Boundary Commissioners VerBurg, Rutledge and Walker, and Genesee County Boundary Commissioner Ammerman for final adjudication in Lansing, Michigan, on September 17, 1996, the Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

**SUMMARY OF PROCEEDINGS**

- A. On October 12, 1995, a petition, designated Docket #95-AP-7, was filed by Philip R. Anibal, Trustee For the Linden Free Methodist Church, property owner, asking for the annexation of certain territory in Fenton Charter Township to the City of Linden.
- B. On March 26, 1996, the State Boundary Commission examined the petition at an adjudicative meeting held in Lansing, found the petition to be legally sufficient and expanded the area to be considered for annexation.

- C. On May 15, 1996, the State Boundary Commission gathered testimony at a public hearing in Fenton Charter Township pursuant to Public Act 191 of 1968, as amended.
- D. On September 17, 1996, an adjudicative meeting was held in Lansing to reach a decision based on the information received.

**INFORMATION TO BE NOTICED**

- I. Fenton Charter Township incorporated after June 15, 1978.
- II. According to the Charter Township Act, MCL 42.34(1), if a charter township complies with all the following standards, it is exempt from annexation:
  - (a) SEV is not less than \$25,000,000.  
The SEV for real property in Fenton Charter Township is \$329,899,035.
  - (b) Has a minimum population density of 150 persons per square mile.  
The density in Fenton Charter Township is 368 persons per square mile.
  - (c) Provides fire protection service by contract or otherwise.  
The township operates its own fire department with an Underwriters rating of 8. It has a full-time chief and assistant chief. There are 35 volunteer members. The fire station is 4 miles from the area. As of 6/1/96 Fire State #2 will be in operation 2.75 miles from the area. The city has a 20-person volunteer fire department approximately 1 mile from the area, with a rating of 6.
  - (d) Is governed by a comprehensive zoning ordinance or master plan.  
The township has a zoning ordinance and master plan.
  - (e) Provides solid waste disposal services to township residents, within or without the township, by contract, license, or municipal ownership.  
The township provides waste disposal by subcontracting with a private firm to provide service throughout the township, serving 3,819 homes. It is financed through special assessment. In addition the township provides curb-side recycling. The city contracts with a private firm that serves 819 homes and provides weekly waste, recycling and compost collection.
  - (f) Provides water or sewer services, or both, by contract or otherwise.  
The township provides sewer service to 3,118 customers, serving 79% of the homes in the township. There are 833 homes that are not served. The Township expects to be able to provide sewers to the site by November 1996. They have 55 miles of sewer in the ground and over 50 pumping stations. They have committed \$7.4 million on improvements to the treatment plant including 4,000 new sewer units of capacity.

The city sewer service is served by the same regional sewer treatment plant that serves the township. The city has 876 customers. An estimated 34 homes do not have sewer hookups. They will be doubling capacity through the sewer treatment plant expansion.

The township does not provide water. Wells have adequately provided water in the township up to now. There have been no requests for public water service.

The city is constructing a water line past the proposed area which is scheduled to be finished by the end of September 1996 and will serve 31 new customers presently in the City Limits. They currently have 765 water customers, with 127 homes not serviced by water. Average present usage is 16% of capacity.

(g) Provides police protection through contract with the sheriff in addition to normal sheriff patrol, through an intergovernmental contract, or through its own police department. The township has a contract with the County Sheriff for 3 full-time police officers assigned to Fenton Township, located in a remote police station in the township. There is also a Sergeant there virtually full time. After June 1, 1996, the police station will be approximately 2.75 square miles from the proposed area.

The city has 4 full-time, 5 part-time, and 4 reserve police officers to cover 2 ½ square miles. The station is 1 mile away from the proposed area.

#### **THE COMMISSION FINDS THAT**

1. The Charter Township of Fenton meets the requirements for exemption from annexation as set forth in the Charter Township Act, Public Act 359 of 1947, as amended.
2. There is no compelling reason to straighten any boundaries within the area proposed for annexation.

#### **IN CONCLUSION, THE COMMISSION FINDS THAT**

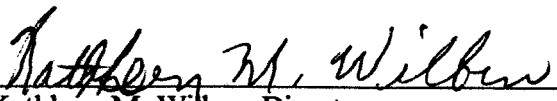
1. The Commission has considered all of the testimony and the public record regarding the annexation petition.
2. On September 17, 1996, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker, and Genesee County Boundary Commissioner Ammerman voted to deny the annexation petition because the Charter Township of Fenton was exempt from annexation pursuant to the Charter Township Act, Public Act 359 of 1947, as amended.
3. On November 6, 1996, at an adjudicative meeting in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker, and Genesee County Boundary Commissioner Ammerman approved the draft Findings of Fact and voted to recommend that the Director of the Department of Consumer and Industry Services execute the Order.

## ORDER

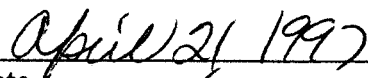
DOCKET #95-AP-7

**THIS ORDER** denying the annexation of certain territory in Fenton Charter Township into the Home Rule City of Linden shall be final and effective as of the date signed by the Director of the Department of Consumer and Industry Services.

**IT IS FURTHER ORDERED THAT** a certified copy of these Findings of Fact and Order shall, forthwith, be transmitted to the Petitioner and to the Clerks of Genesee County, Fenton Charter Township, and the City of Linden.

  
Kathleen M. Wilbur, Director

Michigan Department of Consumer & Industry Services

  
Date